

HOUSE BILL 1299

By Matheny

AN ACT to amend Tennessee Code Annotated, Title 39,
relative to criminal offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-433(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a) It is an offense for a person to promote methamphetamine manufacture. A person promotes methamphetamine manufacture who:

(1) Sells, purchases, acquires, or delivers any chemical, drug, ingredient, or apparatus that can be used to produce methamphetamine, knowing that it will be used to produce methamphetamine, or with reckless disregard of its intended use;

(A) Possession of more than nine (9) grams of an immediate methamphetamine precursor shall be prima facie evidence of intent to violate this section. This subdivision (a)(1)(A) shall not apply to the following persons or entities that lawfully possess drug products in the course of legitimate business activities:

(i) A pharmacy or pharmacist licensed by the board of pharmacy;

(ii) A wholesale drug distributor, or its agents, licensed by the board of pharmacy;

(iii) A manufacturer of drug products, or its agents, licensed by the board of pharmacy; and

(iv) A licensed health care professional possessing the drug products in the course of carrying out the health care provider's profession.

(B) The purchase of more than nine (9) grams of an immediate methamphetamine precursor within a thirty-day period shall be prima facie evidence of intent to violate this section.

(2) Permits a person to use any structure or real property that the defendant owns or has control of, knowing that the person intends to use the structure to manufacture methamphetamine, or with reckless disregard of the person's intent.

SECTION 2. Tennessee Code Annotated, Section 39-17-433, is further amended by deleting subsection (c) in its entirety and redesignating the remaining subsections accordingly.

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.